

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:06-CR-19-BO-1
NO. 5:15-CV-508-BO

JAMES LEE LEWIS,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.


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ORDER

This cause is before the Court on petitioner's motion to vacate under 28 U.S.C. § 2255 and the government's corresponding motion to dismiss. [DE 21, 26]. Petitioner argues that, in light of the Supreme Court's decision in *Johnson v. United States*, 135 S.Ct. 2551 (2015), certain of his prior convictions may no longer be available for sentence enhancement purposes. Pursuant to 15-SO-2, the Office of the Federal Public Defender was appointed to assess the viability of petitioner's *Johnson* claim, and counsel entered a notice of appearance on March 11, 2016.

The Court now orders petitioner to file a response to the pending motion to dismiss by September 23, 2016, at 5:00 PM.

SO ORDERED this 1 day of September, 2016.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE